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CHARTER

AND

**BY-LAWS**

OF THE

CAMDEN & ATLANTIC R. R. CO.

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# STATE OF NEW JERSEY.

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## AN ACT

To Incorporate the Camden & Atlantic Railroad Co.

SECTION 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, that John W. Mickle, Abraham Browning, Samuel Richards, Joseph Porter, Andrew K. Hay, John H. Coffin, John Stranger, Jesse Richards, Thomas H. Richards, Edmund Taylor, Joseph Thompson, Robert B. Risley, Enoch Doughty, Jonathan Pitney, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, by the name of "The Camden and Atlantic Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

2. And be it enacted that the amount of the Capital Stock of said Company shall be five hundred thousand dollars, with liberty to increase the same to one million and a half of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.



3. And be it enacted that the above named persons may open books to receive subscriptions to the Capital Stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors, a majority of whom, shall be residents and citizens of this State; and such election shall be made at the time and place appointed by such of the Stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the Capital Stock entitling the holder thereof to one vote; and the above named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them: and the directors chosen at such meeting, and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their own number a President, who shall be a resident and Citizen of this State: and in case of the death, resignation or removal of the President, or any director, such vacancy or vacancies, may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the President, the said board of directors, or a majority of them, may appoint a President pro-tempore, who shall have such power as the by-laws of the said corporation shall provide.

4. And be it enacted, that in case it shall happen that an election of Directors should not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be



dissolved, but such election may be held at any other time ; and the directors for the time being, shall continue to hold their office until others shall have been chosen in their places.

5. And be it enacted, that five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the Capital Stock of said Company, by such instalments and at such times as they may direct, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares, upon which such default shall arise and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulations of the stock, property, estate and effects of the said corporation : and also shall have power to appoint a Secretary and so many clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the President, as to the said board shall appear proper.

6. And be it enacted, That the President and Directors of the said Company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a Railroad from the city of Camden, in the county of Camden, or from some point within one mile of said city, to be determined on by the said Company, to run through the counties of Camden and Atlantic, to the sea, at or near Absecomb Inlet, in the said county of Atlantic : Provided always that it shall be lawful for the said Company, to make or construct two branch Railroads from some convenient point on the said main road, to be determined on by the said Company, the one to run to the village of Batsto, in the county of Burlington, and the other to the village of May's Landing, in the said county of Atlantic, not exceeding one hundred feet in width for

either branch or main road, except in such places, where from the depth of the excavation or the height of the embankment, it is necessary to make more land for the slope and protection of the side banks of said Railroad, in which case so much land as may be necessary for the purpose, and no more shall be taken, with as many sets of tracks and rails as the Company may deem necessary ; and it shall and may be lawful for the said President and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling and laying out, the route or routes of such Railroad or lateral and branch roads, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property ; and when the route or routes of such road, or lateral and branch roads shall have been determined upon, and a survey of such route or routes deposited in the office of the Secretary of State, then it shall be lawful for the said Company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided : Provided always, that the payment or the tender of the payment of all damages for the occupancy of lands through which the said Railroad or Railroads may be laid out, be made before the said company, or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.



7. And be it enacted, that when the said Company or its agents cannot agree with the owner or owners of such required land, or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said Company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the Company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the Justices of the Supreme Court of this state, who shall cause the said Company to give notice thereof to the persons interested, if known, and in this State, or, if unknown, or out of this state, to make publication thereof, as he shall direct, for any term, not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid. he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land and materials, and to assess the damages upon such notice; to be given to the persons interested as shall be directed by the Justice making such appointment, to be expressed therein not less than six days. and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorised to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the



said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damage, as shall be paid by the Company for such lands or materials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said Company to have, hold, use, occupy, possess and enjoy, the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the Company if they shall neglect or refuse to pay the same for twenty days after demand made of their Treasurer, and shall, from time to time, constitute a lien upon the property of the Company, in the nature of a mortgage, and the said Justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the Justices of the Supreme Court, commissioners, clerks, and persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the Company.


8. And be it enacted that in case the said company or the owner or owners of the said land or materials, shall be dissatisfied with the report of the Commissioners, named in the preceding section, and shall apply to the Justice of the Supreme Court at the next term after the filing of the said report, the Court shall have the power, upon good cause shown to set the same aside, and there-



upon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit Court, to be holden in the said county upon the like notice and in the same manner as other issues in the same Court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said Commissioners shall have awarded in favor of the said owner or owners, then judgment thereupon, with cost, shall be entered against the said Company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the Company shall have offered or the said Commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the court shall direct; but such application shall not prevent the Company from taking the said land upon filing the aforesaid report, the value and damages, being first paid, or upon a refusal to receive the same, upon a tender thereof, or, the owner or owners thereof being under any legal disability, the same being first paid into the Court of Chancery.

9. And be it enacted that it shall be the duty of the said Company to construct and keep in repair good and sufficient bridges or passages over or under the said Rail Road, where any public or other road shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing and re-passing, shall not be impeded thereby; and, also, where the said Rail Road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways, over or under said road, so that the same may be conveniently passed.







10. And be it enacted, that the President and Directors of said Company shall have power to have constructed, or to purchase with the funds of the Company, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property on their Rail Road, as they may think fit, reasonable, expedient or right, provided, they shall not charge more than at the rate of six cents per ton, per mile, for the transportation of property on the said road, which is usually weighed by the ton, or four cents, per mile for carrying each passenger on said Rail-way.

11. And be it enacted that the President and Directors shall within one year after the said Rail Road, shall have been completed, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof, and, shall in like manner semi-annually thereafter declare such dividends, and pay the same to the Stockholders of the said Company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

12. And be it enacted that if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this Act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said Company, the sum of fifty dollars, to be by them recovered, in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

13. And be it enacted that the said Company may purchase, have and hold real estate, at the termini of their railroad, and at any intermediate depots upon the line, of the same, not exceeding five acres at each place, and may erect and build thereon, such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property





and the construction and repairing of cars, carriages, steam-engines, and for other necessary uses.

14. And be it enacted that as soon as the Railroad with its appendages shall be finished, so as to be used, the President and Treasurer of the said Company, shall file under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this Act, in the office of the Secretary of this State; and annually thereafter the President and Treasurer of the said Company shall under oath or affirmation, make a statement to the Legislature of this State of the proceeds of said road, until the nett income of said road shall amount to seven per centum upon the amount of its cost; and as soon as the nett proceeds of said Railroad shall amount to seven per centum upon its cost, the said Corporation shall pay to the Treasurer of this State, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January, in each year, provided that no other tax or impost shall be levied or assessed upon the said Company.

15. And be it enacted that the said Corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct or repair said road, and furnish the said Corporation with all the necessary engines and machinery for the uses and objects of the said Company, and to secure the re-payment thereof by bond or mortgage, or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said Corporation, at a rate of interest not exceeding seven per centum, per annum, provided that it shall not be lawful for the said Company to plead any statute or statutes of this State against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage, executed under this section.

16. And be it enacted that any time after the expira-

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tion of fifty years from the completion of the said road, the Legislature of this State, may cause an appraisement of the said road, and the appendages thereof to be made by six persons, three of whom shall be appointed by the Chief Justice of this State, for the time being; the remaining three by the Company, who, or a majority of them, shall report the value thereof to the Legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who with the aforesaid six or any three of the said six, shall report as aforesaid, or in case the said Company shall neglect or refuse to appoint the said three persons on their part for two months, after their said appointment by the said Chief Justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said Company, or in case the said six Commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said Company, the said Chief Justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the State shall have the privilege for three years of taking the said road, upon the payment to the Company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the Secretary of this State, and the whole property and interest of said road and the appendages thereof, shall be vested in the State, of New Jersey, upon payment of the amount so reported to the said Company; and that it shall be the duty of the President of the Company to lay before the Legislature under oath or affirmation when they shall so request, a full and fair statement of the cost of said road, and of all the receipts and disbursements of the Company.

17. And be it enacted that if the said Railroad shall not be completed and in use at the expiration of ten years



from the first day of August next ensuing, that then and in that case this act shall be void.

18. And be it enacted that the Legislature of this State shall have the right to subscribe for the stock of the said Company, to the amount of one hundred thousand dollars, at any time before or within twelve months after the said road or roads are completed.

19. And be it enacted that the Governor, the Chancellor, the Justices of the Supreme Court, and the Judges of the court of Errors of this State, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of Legislature of this State, during their annual or other sessions, shall pass and repass on the Railroad of said Company, in their cars free of charge.

Approved, March 19th, 1852.

## STATE OF NEW JERSEY.



I, Thomas S. Allison, Secretary of state of the State of New Jersey, do hereby certify, that the foregoing is a true copy of an Act passed by the Legislature of said State, and approved by the

Governor, March 19th, 1852, as taken from and compared with the original on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at Trenton, this twenty-third day of May, eighteen hundred and fifty-two.

THOS. S. ALLISON,

SECRETARY OF STATE.

At a meeting of the Commissioners of the Camden and Atlantic Rail Road, held at Philadelphia, June 11th, 1852, Jesse Richards, Esq., was appointed President, and A. K. Hay, Secretary.

Resolved, That John W. Mickle, Samuel Richards, Joseph Porter Andrew K. Hay, Enoch Doughty, Jonathan Pitney, Jesse Richards and Abraham Browning, be severally authorised to procure subscriptions to the Capital Stock of the Camden and Atlantic Rail Road Company, and report of the next meeting of the Commissioners.



*PRESIDENT :*

ANDREW K. HAY, Winslow, Camden Co., N. J.

*DIRECTORS :*

STEPHEN COLWELL, 111 N. Water Street, Phila.

SAMUEL RICHARDS, Arch and Front “ “

WILLIAM V. FLEMING, 95 S. Front “ “

JOHN C. DA COSTA, 216 N. Front “ “

JOSEPH PORTER, Waterford, Camden Co., N. J.

WILLIAM COFFIN, Haddonfield, “ “ “

ENOCH DOUGHTY, Absecomb, Atlantic “ “

JONATHAN PITNEY, “ “ “ “

The first part of the paper is devoted to the study of the properties of the function  $f(x)$  defined by the equation

$$f(x) = \frac{1}{2} \left( f\left(\frac{x}{2}\right) + f\left(\frac{x+1}{2}\right) \right) \quad (1)$$

where  $f(x)$  is a function defined on the interval  $[0, 1]$ .

It is easy to see that the function  $f(x)$  is continuous on the interval  $[0, 1]$ . In fact, let  $x_0$  be a point in the interval  $[0, 1]$ . Then for any  $\epsilon > 0$  we can find a  $\delta > 0$  such that if  $|x - x_0| < \delta$  then  $|f(x) - f(x_0)| < \epsilon$ . This follows from the fact that the function  $f(x)$  is defined by a finite sum of continuous functions.

The second part of the paper is devoted to the study of the properties of the function  $f(x)$  defined by the equation



# BY-LAWS

OF THE

CAMDEN & ATLANTIC R. R. CO.

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## ARTICLE I.

### *Meetings of the Board.*

SECT. 1. The Stated Meetings of the Board of Directors shall be held at the office of the Company, at the hour of 3½ o'clock on the first Friday in each month.

SECT. 2. Special Meetings may be called by the President when ever he may think proper, or at the request in writing of any three members of the Board.

SECT 3. At the meeting next preceding the annual Election, the Board shall appoint two persons, to act as judges of said Election.

## ARTICLE II.

*Elections.*

SECT. 1. The annual election of Directors shall be by ballot, and shall be held at the office of the Company, between the hours of 10 A. M., and 2 P. M. on the Fourth Thursday in June, in each year, of which election at least two weeks notice shall be given, by advertisement in two public papers published in the City of Philadelphia, and in two published in the City of Camden.

SECT. 2. In voting by proxy, the original proxy shall be exhibited to the Judges, and a copy if required left with them; and no proxy shall be good for a longer period than one year from the time of its execution.

SECT. 3. Stockholders only, whose names appear as such on the Books of the Company, or their legal representatives shall be entitled to vote; and there shall be no transfer of stock on the said books, within ten days next before the annual election.

SECT. 4. The result of the election, signed by the Judges, and attested by the Clerk, shall be entered in the book of minutes of the Board, prior to the entry of the minutes of the next meeting of the Board.

## ARTICLE III.

*Officers.*

SECT. 1. *President*—The President of the Company shall have the custody of the Common Seal; he shall preside at the meetings of the Board of Directors and of the Stockholders.



He shall appoint all committees, unless otherwise ordered by the Board.

In case of his absence from, or inability to act at the meetings of the Board, a President *pro tempore* may be chosen.

SECT. 2. *Treasurer*—The Treasurer shall be appointed annually by the Board of Directors, his office to be held at their pleasure.

He shall keep full and accurate accounts, and at each stated meeting of the Board shall present a written statement of all receipts and disbursements since the last stated meeting, and at each annual meeting of the Stockholders, he shall present to them a condensed statement of all receipts and disbursements during the preceding year; and perform such other duties as properly appertain to his office.

He shall have authority to pay all bills under the sum of Fifty dollars, any bill above that amount shall be submitted to the Board.

But he shall in no case pay any money except by check signed both by the President and by himself.

SECT. 3 *Secretary*—A Secretary shall be appointed annually by the Board; he shall hold his office at their pleasure.

He shall be *ex officio*, Secretary of the Board of Directors, Secretary of the meetings of the Stockholders and Clerk of the elections of Directors, and in whichever of the above named capacities he may be acting he shall in all cases keep accurate minutes of the proceedings.

He shall give notice of all special meetings, and shall cause proper publication to be made of such meetings as require publication, and shall perform such other duties appertaining to his office, as the Board may direct.

## ARTICLE IV.

### *Committees.*

There shall be appointed immediately (and annually hereafter at the first Stated Meeting after the election of the Directors,) a standing committee, to be called the Executive Committee, and to consist of Five members, who, when the Board are not in session, shall have a general supervision of the Finances, the construction, the working and general business of the Road.

They shall keep in a book to be provided for that purpose, a regular record of their proceedings, and they shall report in writing to the Board at each Stated Meeting.

## ARTICLE V.

### *Stock.*

SECT. 1. All Certificates of Stock shall be issued under the Common Seal of the Company, signed by the President, and attested by the Secretary, and in no instance shall any certificate be sealed or signed in blank,

SECT. 2. The Capital Stock shall be assignable only, on the Books of the Company, on surrender of the old certificate, by the person or persons in whose name or names it appears to be held ; or by his, her or their proper attorney or representative. When the assignor or assignors retain a part of his, her or their stock, a new certificate shall be issued for so much as may be retained.



SECT. 3. If the assignment be by attorney, the original letter of attorney shall be delivered to, and retained on file, by the Secretary : and if the assignment be by executor, administrator, guardian or other legal representative, duly authenticated evidence of their authority shall be delivered to, and retained on file by, the Secretary.

SECT. 4. If any certificate of stock be lost or destroyed, the Board may order a new certificate to be issued to the stockholder or stockholders, on satisfactory proof of such loss or destruction, and on giving such security, and complying with such terms as the Board may deem reasonable.

SECT. 5. In case any stockholder or stockholders shall neglect to pay any instalment of the capital stock at the time and place appointed for such payment, the Board may at their discretion, after thirty days notice to such delinquent stockholder or stockholders, in writing, served upon him, her or them personally, or left at his, her or their place of residence, or sent by mail to his, her or their proper address, forfeit said stock to the use of the company ; and in case of such forfeiture the person or persons, as whose stock it was so forfeited, shall not be allowed to redeem the same, without the consent of the Board, and payment of all instalments thereon in arrear. But such person or persons after such forfeiture, shall not be liable for the payment of any further instalment upon the stock so forfeited.

SECT. 6. Any stockholder, on payment of all instalments assessed upon his stock, may surrender all or any portion thereof to the use of the company, in which case all further liability for the payment of any future instalments upon the stock so surrendered, shall cease.

SECT. 7. Semi-annual dividends of the profits shall be struck on the \_\_\_\_\_ day of \_\_\_\_\_ and of \_\_\_\_\_ in each year, and shall be payable at the office of the company.

## ARTICLE VI.

### *Miscellaneous.*

SECT. 1. Special meetings of the stockholders may be called by the President, or any three of the members of the Board of Directors, on giving ten days notice of the time, place and object of such meeting, by publication in two of the public papers published in the city of Philadelphia, and also in two public papers published in the city of Camden.

SECT. 2. No member of the Board, nor any officer of the company, shall be directly or indirectly concerned in any contract or engagement for doing any work or furnishing any materials for the company, whereby any profit or advantage may accrue to him, without the consent of a majority of the Board.

SECT. 3. The order of business shall be as follows:

1. Reading the Minutes, which shall be considered as approved, unless there be a motion to amend.
- 2d. Written Communications.
- 3d. Reports of Committees.
- 4th. Treasurer's Report.
- 5th. Engineer's Report.
- 6th. Unfinished Business.
- 7th. New Business.

SECT. 4. No alteration or amendment to these By-Laws shall be made unless the same be proposed in writing at a stated meeting of the Board of Directors and adopted at the next or a subsequent stated meeting by a majority of the members present. But any By-Law may be suspended by the consent of a majority of the whole Board.



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LAKE & NORTH WEST-  
CONNECTIONS  
WITH PHILADELPHIA.





